

DUPPLICATE

RECD APR 07 2012

IN THE NEBRASKA DISTRICT COURT IN AND FOR THURSTON COUNTY

LAURA A. FREEMONT,

LAW NO. C12-31

Plaintiff,

v.

COMPLAINT

DOUGLAS ROY ROOS and
DEAN TRANSPORTATION, INC.,

Defendants.

IN DISTRICT COURT OF
THURSTON COUNTY, NEBR.
GINA ROTH, CLERK

APR 5 2012

FILED

COMES NOW the Plaintiff, Laura A. Freemont, by and through her attorney, Dennis J. Mahr, and for her Complaint states the following:

I. PARTIES

1. That the Plaintiff, Laura A. Freemont, is and was at all times material hereto a resident of Walthill, Thurston County, Nebraska.
2. That the Defendant, Douglas Roy Roos, is and was at all times material hereto a resident of Sioux Falls, South Dakota.
3. That the Defendant, Dean Transportation, Inc., is and was at all times material hereto a Texas corporation with its principal place of business being 2711 North Haskell Avenue, Suite 3400, Dallas, Texas 75204. Dean Transportation has been engaged in the interstate trucking business at all times material hereto, including operations in states such as Ohio and Indiana.

II. GENERAL FACTUAL ALLEGATIONS

4. That on or about May 6, 2008, the Plaintiff, Laura Freemont, was the driver and owner of a 1994 Buick Skylark, VIN 1G4NV55M2RC297974, license plate # 55A130, which was traveling north on U.S. Highway 77 near the Heritage Food Store in Winnebago, Thurston County, Nebraska.



5. That on or about May 6, 2008, the Defendant, Douglas Roy Roos, was the driver of a 2007 White Freightliner, VIN 1FUJA6CV17PZ29121, license plate # 1010734, owned by the Defendant, Dean Transportation, Inc. and registered in the state of Indiana. The Defendant, Douglas R. Roos, was also traveling north on U.S. Highway 77 near the Heritage Food Store in Winnebago, Thurston County, Nebraska, directly behind the Plaintiff.

III. NEGLIGENCE

6. That on or about the above stated date and location, the Defendant, Douglas Roy Roos, suddenly, negligently and without warning, ran into the rear of the Plaintiff's vehicle that had slowed on the highway and signaled while in preparation to make a left turn.

7. That the Defendant, Douglas Roy Roos, committed negligent acts of omission or commission at the above stated time and place in one or more of the following particulars, to wit:

- (a) in failing to follow another vehicle more closely than is reasonable and prudent, and such driver shall have due regard for the speed of such vehicles and the traffic upon and the condition of the roadway in violation of Nebraska Code Section 60-6,140 (Reissue 2010);
- (b) in failing to drive any motor vehicle in this state carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving in violation of Nebraska Code Section 60-6,212 (Reissue 2010);
- (c) in following another vehicle more closely than was reasonable and prudent and in disregarding the speed of the plaintiff's vehicle in violation of Section 60-6,140, Nebraska Code (Reissue 2010);
- (d) in driving his vehicle at a speed greater than was reasonable and prudent under the conditions, and in disregarding the actual and potential hazards then existing at the time of the accident in violation of Section 60-6,185, *et seq.* Nebraska Code (Reissue 2010);

8. That the aforesaid negligence of the Defendant, Douglas Roy Roos, was the proximate cause of the damages and injuries to the Plaintiff, Laura A. Freemont.

9. That the Defendant, Dean Transportation, Inc., is and was ultimately responsible for the acts of its truck driver/employee, Douglas Roy Roos, on May 6, 2008, and it is therefore vicariously liable for the negligent acts of that driver/employee by Nebraska law.

10. That the aforesaid negligence of the Defendant, Douglas Roy Roos, is fully attributable to Dean Transportation, Inc., as a result of the conduct of that truck driver/employee, which conduct was the proximate cause of the damages and injuries described in this Complaint.

11. That as direct and proximate result of the negligence of the Defendant, Douglas Roy Roos, the Plaintiff, Laura A. Freemont, has previously suffered from and is reasonably certain to experience in the future, permanent physical injuries to her cervical, thoracic and lumbar spines as determined by her neurosurgeon, Dr. Quentin R. Durward.,

12. That as a direct and proximate result of the negligence of the Defendant, Douglas Roy Roos, the Plaintiff, Laura A. Freemont, has in the past been caused to expend great sums of money for the medical care and treatment of her injuries.

13. That as a direct and proximate result of the negligence of the Defendant, Douglas Roy Roos, the Plaintiff, Laura A. Freemont, will in the future be required to expend substantial sums of money for the medical treatment of her related injuries.

14. That the Plaintiff, Laura A. Freemont, has had to and will reasonably continue to have to endure inconvenience, a loss of society and companionship, a loss of reputation and humiliation as a result of the negligence of the Defendant, Douglas Roy Roos.

15. That the Plaintiff, Laura A. Freemont, has sustained and will continue to sustain the loss of her full enjoyment of her physical and mental potentials, including old habits, traits, sports, entertainment and other amusements which she was able to enjoy prior to this accident, but which activities have been constricted and/or eliminated as a consequence of the negligence of the Defendant, Douglas Roy Roos.

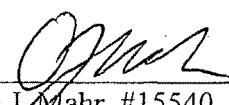
16. That the damages sustained by the Plaintiff, Laura A. Freemont, are in excess of the jurisdictional amount necessary to file cases in the Nebraska district courts.

17. That the Plaintiff, Laura A. Freemont, is entitled to recover her full damages, together with any interest and any costs of this action allowable by law, from the Defendants, Dean Transportation, Inc. and its truck driver/employee Douglas Roy Roos.

WHEREFORE, the Plaintiff, Laura A. Freemont, prays for judgment against the Defendants, Douglas Roy Roos and Dean Transportation, Inc., in an amount sufficient to fully compensate her for her damages, for any allowable costs from this action, and for such other and further relief as the Plaintiff is allowed by law, including any interest to which she may be entitled.

Respectfully submitted,

By:


Dennis J. Mahr, #15540
334 Commerce Building
520 Nebraska Street
Sioux City, Iowa 51101-1316
Telephone: (712) 233-1623
Facsimile: (712) 233-1625

ATTORNEY FOR PLAINTIFF

RECD APR 07 2012

DUPPLICATE

IN THE NEBRASKA DISTRICT COURT IN AND FOR THURSTON COUNTY

LAURA A. FREEMONT,

) LAW NO. CI12-31

Plaintiff,

)

v.

)

DOUGLAS ROY ROOS and
DEAN TRANSPORTATION, INC.,

)
)
)

Defendants.

)

JURY DEMAND

IN DISTRICT COURT OF
THURSTON COUNTY, NEBR.
GINA ROTH, CLERK

APR 5 2012

FILED

COMES NOW the Plaintiff, Laura A. Freemont, by and through her attorney, Dennis J. Mahr, and requests a trial by jury in the above-entitled matter.

Respectfully submitted,

Dennis J. Mahr, #15540
334 Commerce Building
520 Nebraska Street
Sioux City, Iowa 51101-1316
Telephone: (712) 233-1623
Facsimile: (712) 233-1625

ATTORNEY FOR PLAINTIFF

IN THE NEBRASKA DISTRICT COURT IN AND FOR THURSTON COUNTY

LAURA A. FREEMONT,

) LAW NO. C 12-31

) Plaintiff,

) PRAECIPE FOR SUMMONS

) v.

) DOUGLAS ROY ROOS and
DEAN TRANSPORTATION, INC.,

) Defendants.

IN DISTRICT COURT OF
THURSTON COUNTY, NEBR.
GINA ROTH, CLERK

APR 5 2012

FILED

TO THE CLERK OF COURT:

Please issue Summons in the above-entitled cause and deliver the same to the undersigned for service upon the Defendant, Dean Transportation, Inc., by certified mail, return receipt requested as follows:

Dean Transportation, Inc.
% CT Corporation System (registered agent)
350 North St. Paul Street, Suite 2900
Dallas, Texas 75201

Notify it that the Plaintiff seeks fair and reasonable damages from it as a result of this accident and that its failure to respond within the time set will result in a default judgment.

By: Dennis J. Mahr
Dennis J. Mahr, #15540
334 Commerce Building, Box B-8
520 Nebraska Street
Sioux City, Iowa 51101-1316
Telephone: (712) 233-1623
Facsimile: (712) 233-1625

ATTORNEY FOR PLAINTIFF



Image ID:
D00006306D55

SUMMONS

Doc. No. 6306

IN THE DISTRICT COURT OF Thurston COUNTY, NEBRASKA
PO Box 216
Pender NE 68047

Laura A Freemont v. Douglas R Roos

Case ID: CI 12 31

TO: Dean Transportation, Inc.

FILED BY

Clerk of the Thurston District Court
04/05/2012

You have been sued by the following plaintiff(s):

Laura A Freemont

Plaintiff's Attorney: Dennis J Mahr
Address: 334 Commerce Building
520 Nebraska St
Sioux City, IA 51101-1316
Telephone: (712) 233-1623

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: APRIL 5, 2012

BY THE COURT:

Maria Roth
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Dean Transportation, Inc.
% CT Corp System (registered agent)
350 North St. Paul St, Suite 2900
Dallas, TX 75201

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

IN THE NEBRASKA DISTRICT COURT IN AND FOR THURSTON COUNTY

LAURA A. FREEMONT,)	LAW NO. <u>CI 12-31</u>
)	
Plaintiff,)	
)	
V.)	PRAECIPE FOR SUMMONS
)	
DOUGLAS ROY ROOS and)	
DEAN TRANSPORTATION, INC.,)	
)	
Defendants.)	

IN DISTRICT COURT OF
THURSTON COUNTY, NEBR.
GINA ROTH, CLERK

APR 5 2012

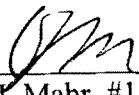
FILED

TO THE CLERK OF COURT:

Please issue Summons in the above-entitled cause and deliver the same to the undersigned for service upon the Defendant, Dean Transportation, Inc., by certified mail, return receipt requested as follows:

Dean Transportation, Inc.
% CT Corporation System (registered agent)
251 East Ohio Street, Suite 1100
Indianapolis, Indiana 46204

Notify it that the Plaintiff seeks fair and reasonable damages from it as a result of this accident and that its failure to respond within the time set will result in a default judgment.

By: 
Dennis J. Mahr, #15540
334 Commerce Building, Box B-8
520 Nebraska Street
Sioux City, Iowa 51101-1316
Telephone: (712) 233-1623
Facsimile: (712) 233-1625

ATTORNEY FOR PLAINTIFF



Image ID:
D00006307D55

SUMMONS

Doc. No. 6307

IN THE DISTRICT COURT OF Thurston COUNTY, NEBRASKA
PO Box 216
Pender NE 68047

Laura A Freemont v. Douglas R Roos

Case ID: CI 12 31

TO: Dean Transportation, Inc.

FILED BY

Clerk of the Thurston District Court
04/05/2012

You have been sued by the following plaintiff(s):

Laura A Freemont

Plaintiff's Attorney: Dennis J Mahr
Address: 334 Commerce Building
520 Nebraska St
Sioux City, IA 51101-1316
Telephone: (712) 233-1623

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: APRIL 5, 2012

BY THE COURT:

Maria Roth
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Dean Transportation, Inc.
% CT Corp System (registered agent)
251 East Ohio Street, Suite 1100
Indianapolis, IN 46204

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

IN THE NEBRASKA DISTRICT COURT IN AND FOR THURSTON COUNTY

LAURA A. FREEMONT,) LAW NO. CIT3-31
)
Plaintiff,)
)
v.) PRAECIPE FOR SUMMONS
)
DOUGLAS ROY ROOS and)
DEAN TRANSPORTATION, INC.,)
)
Defendants.)

IN DISTRICT COURT OF
THURSTON COUNTY, NEBR.
GINA ROTH, CLERK

APR 5 2012

FILED

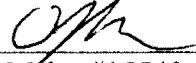
TO THE CLERK OF COURT:

Please issue Summons in the above-entitled cause and deliver the same to the undersigned for service upon the Defendant, Douglas Roy Roos, by certified mail, return receipt requested as follows:

Douglas Roy Roos
3209 South 5th Avenue
Sioux Falls, South Dakota 57105

Notify him that the Plaintiff seeks fair and reasonable damages from him as a result of this accident and that his failure to respond within the time set will result in a default judgment.

By:


Dennis J. Mahr, #15540
334 Commerce Building, Box B-8
520 Nebraska Street
Sioux City, Iowa 51101-1316
Telephone: (712) 233-1623
Facsimile: (712) 233-1625

ATTORNEY FOR PLAINTIFF



000010523D55

Image ID:
D00006308D55**SUMMONS**

Doc. No. 6308

IN THE DISTRICT COURT OF Thurston COUNTY, NEBRASKA
 PO Box 216
 Pender NE 68047

Laura A Freemont v. Douglas R Roos

Case ID: CI 12 31

TO: Douglas R Roos

FILED BYClerk of the Thurston District Court
04/05/2012

You have been sued by the following plaintiff(s):

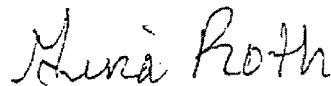
Laura A Freemont

Plaintiff's Attorney: Dennis J Mahr
 Address: 334 Commerce Building
 520 Nebraska St
 Sioux City, IA 51101-1316
 Telephone: (712) 233-1623

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: APRIL 5, 2012

BY THE COURT:


 Clerk


PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Douglas R Roos
 3209 South 5th Avenue
 Sioux Falls, SD 57105

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

SERVICE RETURN

Doc. No. 6306

Thurston County District Court
PO Box 216
Pender NE 68047

To:

Case ID: CI 12 31 Laura A Freemont v. Douglas R Roos

Received this Summons on April 7, 2012 I hereby certify that on

erved copies of the Summons

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dean Transportation, Inc.
1. CT Corp System
251 E. Ohio St., Ste. 1100
Indianapolis, IN 46204

A. Signature	<i>Terry L. Wood</i>	<input checked="" type="checkbox"/> Agent	<input type="checkbox"/> Addressee
B. Received by (Printed Name)	<i>Terry L. Wood</i>	C. Date of Delivery	<u>APR 12 2012</u>
D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No			
RECD APR 16 2012			
3. Service Type			
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.			
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes			

2. Article Number

7011 1570 0003 0178 0393

PS Form 3811, February 2004

Domestic Return Receipt

102505-02-M-1540 (son)

IN DISTRICT COURT OF
THURSTON COUNTY, NEBRASKA
CLERK OF THE COURT
APR 19 2012

FILED
APR 19 2012

CERTIFIED MAIL PROOF OF SERVICE

Copies of the Summons were mailed by certified mail,
TO THE PARTY: Dean Transportation, Inc.

At the following address: 1. CT Corp System

251 E. Ohio Street, Ste. 1100

Indianapolis, IN 46204

on the 9th day of April 2012, as required by Nebraska state law

Postage \$ 1.40 *\$ 9000045* Attorney for: PLAINTIFF

The return receipt for mailing to the party was signed on April 16, 2012.

To: Dean Transportation, Inc.
1. CT Corp System (registered agent)
350 North St. Paul St, Suite 2900
Dallas, TX 75201

From: Dennis J Mahr
334 Commerce Building
520 Nebraska St
Sioux City, IA 51101-1316



ATTACH RETURN RECEIPT & RETURN TO COURT

SERVICE RETURN

Doc. No. 6308

Thurston County District Court
PO Box 216
Pender NE 68047

To:

Case ID: CI 12 31 Laura A Freemont v. Douglas R Roos

Received this Summons on April 17, 2012. I hereby certify that on

erved copies of the Summons

SENDER INFORMATION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Douglas R. Roos
3209 SO. 5th Avenue
Sioux Falls, SD 57105

A. Signature	
	
<input checked="" type="checkbox"/> Agent	<input type="checkbox"/> Addressee
B. Received by (Printed Name)	
D. Doug Roos	
C. Date of Delivery	
4-10-12	
D. Is delivery address different from Item 1? <input type="checkbox"/> Yes	
RECD APR 12 2012	
E.S. Enter delivery address below: <input checked="" type="checkbox"/> No	
RECD APR 12 2012	
F. Service Type	
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

2. Article Number

(Transfer from service label)

7011 1570 0003 0176 0379

3 Form 3811, February 2004

Domestic Return Receipt

10256-02-44-1540

(Person)

CERTIFIED MAIL PROOF OF SERVICE

Copies of the Summons were mailed by certified mail,
TO THE PARTY: Douglas R. Roos

At the following address: 3209 South 5th Avenue
Sioux Falls, SD 57105

IN DISTRICT COURT OF
THURSTON COUNTY, NEBRASKA
GNA ROTH, CLERK

APR 12 2012
FILED

on the 9th day of April 2012, as required by Nebraska state law.

Postage \$ 6.40 Attorney for: Plaintiff

The return receipt for mailing to the party was signed on April 12, 2012.

To: Douglas R Roos
3209 South 5th Avenue
Sioux Falls, SD 57105

From: Dennis J Mahr
334 Commerce Building
520 Nebraska St
Sioux City, IA 51101-1316



ATTACH RETURN RECEIPT & RETURN TO COURT